

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 IN RE: CRT ANTITRUST LITIGATION

Master File No. CV-07-5944-SC  
MDL No. 1917

6  
7 This Document Relates to:

**CLASS ACTION**

8 ALL DIRECT PURCHASER CLASS  
9 ACTIONS

**DECLARATION OF DAVID P.  
GERMAINE IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

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11  
12  
13 I, David P. Germaine, declare and state as follows:

14 1. I am a member of the law firm of Vanek, Vickers & Masini PC. I submit this  
15 declaration in support of Direct Purchaser Plaintiffs ("DPP") joint application for an award of  
16 attorney fees in connection with the services rendered in this litigation. I make this Declaration  
17 based on my personal knowledge and, if called as a witness, I could and would competently testify  
18 to the matters stated herein.

19 2. My firm has served as counsel to Meijer, Inc. and as counsel for the class  
20 throughout the course of this litigation. The background and experience of Vanek, Vickers &  
21 Masini PC and its attorneys are summarized in the *curriculum vitae* attached hereto as Exhibit 1.

22 3. Vanek, Vickers & Masini PC has prosecuted this litigation solely on a contingent-  
23 fee basis, and has been at risk that it would not receive any compensation for prosecuting claims  
24 against the defendants. While Vanek, Vickers & Masini PC devoted its time and resources to this  
25 matter, it has foregone other legal work for which it would have been compensated.

26 4. During the pendency of the litigation, Vanek, Vickers & Masini PC performed the  
27 following work:

- 28
  - Pre-filing investigation

- 1 • Drafting of the complaint and other pleadings
- 2 • Drafting and responding to discovery requests
- 3 • Collecting, review, and preparation of document productions
- 4 • Deposition preparation and defense, including the preparation and presentation of a
- 5 corporate designee for Meijer

6 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at  
7 historical rates, from May 9, 2008 through July 31, 2014. This period reflects the time spent after  
8 the appointment of Lead Counsel in the litigation. The total number of hours spent by Vanek,  
9 Vickers & Masini PC during this period of time was **262.8** with a corresponding lodestar of  
10 **\$122,491.50**. This summary was prepared from contemporaneous, daily time records regularly  
11 prepared and maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work  
12 assigned by Lead Class Counsel, and was performed by professional staff at my law firm for the  
13 benefit of the Direct Purchaser Plaintiff ("DPP") Class.

14 6. The hourly rates for the attorneys and professional support staff in my firm  
15 included in Exhibit 2 are the usual and customary hourly rates charged by Vanek, Vickers &  
16 Masini PC.

17 7. My firm has expended a total of **\$6,594.98** in unreimbursed costs and expenses in  
18 connection with the prosecution of this litigation. These costs and expenses are broken down in  
19 the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs  
20 by my firm on a contingent basis, and have not been reimbursed. The expenses incurred in this  
21 action are reflected on the books and records of my firm. These books and records are prepared  
22 from expense vouchers, check records and other source materials and represent an accurate  
23 recordation of the expenses incurred.

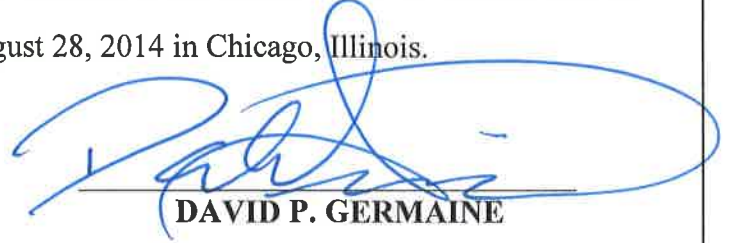
24 8. Vanek, Vickers & Masini PC paid a total of **\$20,000.00** in assessments for the joint  
25 prosecution of the litigation against the defendants.

26 9. I have reviewed the time and expenses reported by my firm in this case which are  
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1 included in this declaration, and I affirm that they are true and accurate.

2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct. Executed on August 28, 2014 in Chicago, Illinois.

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DAVID P. GERMAINE

# **EXHIBIT 1**

## **EXHIBIT 1**

In re: Cathode Ray Tube (CRT) Antitrust Litigation  
VANEK, VICKERS & MASINI PC  
Principal Attorney Biographies

### **Joseph M. Vanek**

Mr. Vanek earned his Juris Doctor from Boston College in May, 1987 where he graduated with honors. Mr. Vanek received his undergraduate degree, Magna Cum Laude, from Creighton University in 1984.

Upon graduating from law school, Mr. Vanek became a member of the bar in the State of Illinois and the Commonwealth of Massachusetts. Mr. Vanek is also admitted to practice before the Supreme Court of the United States, as well as the United States Court of Appeals for the Third, Fifth and Ninth Federal Circuits and the United States District Court for the Northern and Central Districts of Illinois. In addition, Mr. Vanek has practiced on a pro hac vice basis throughout the country.

Mr. Vanek's practice has focused primarily on trial work in the areas of intellectual property, anti-trust litigation, and commercial litigation. The clients represented by Mr. Vanek in these matters have resided throughout the United States, as well as a number of other countries such as France, Canada, Taiwan, Bermuda, Japan, and Argentina.

An example of a case Mr. Vanek recently tried involved the infringement of a copyright for the developer of a video amusement game. The court awarded both damages and attorney's fees to Mr. Vanek's client. Mr. Vanek also has also represented the inventor of critical functions to the DVD technology which has resulted in a successful licensing campaign that has yielded an economic recovery exceeding \$200,000,000.00. In addition, Mr. Vanek represented the inventors of ergonomic keyboards which, through both licensing and litigation, resulted in a multi-million dollar recovery, and enforced a portfolio of patents relating to digital broadcast technology against an industry leading supplier which, again, resulted in a multi-million dollar recovery.

Mr. Vanek has also focused quite heavily in the area of trademark law. In this regard, Mr. Vanek has presented numerous multi-national corporations in the selection and registration of their service marks and trade marks. He has also acted as counsel in several lawsuits involving trade marks and has been repeatedly retained to evaluate the level of professional services rendered by counsel in trade mark and patent matters.

In the anti-trust area, Mr. Vanek has successfully represented a number of individual plaintiffs in price fixing claims, including cases involving territorial allocation, as well as horizontal price conspiracy. In the past decade, the price fixing claims in which he has participated have included some of the largest and best known cases, including the In Re Vitamin Litigation, both rounds of the Visa and Mastercard Litigation, the In Re Transparent Tape Litigation, the In Re Children's Ibuprofen claim, and In Re American Express Anti-Steering Rules Antitrust Litigation.

Additionally, Mr. Vanek has been involved in several pharmaceutical claims involving anti-trust violations arising from the misuse of patents.

**David P. Germaine**

Mr. Germaine became a licensed attorney in the State of Illinois in 2001. His practice focuses primarily on the fields of Antitrust and Intellectual Property, where his involvement includes litigation, licensing, prosecution and domain name disputes.

In his antitrust practice, Mr. Germaine represents a number of individual plaintiffs in a vast array of federal and state antitrust disputes. Additionally, Mr. Germaine has served as class counsel for plaintiffs coming from a variety of industries. In this capacity, he has served as class liaison counsel in one of the largest antitrust cases in history.

Mr. Germaine earned his Juris Doctorate with a certificate in Intellectual Property from DePaul University's College of Law in 2001. At DePaul, Mr. Germaine participated on the national appellate moot court team, serving as the organization's vice-president from 2000 to 2001. He also authored the Case Note and Comment, *Regulating Rap Music: It Doesn't Melt in Your Mouth*, published in DePaul's *Journal of Art and Entertainment Law* in the spring of 2001. Mr. Germaine received a Bachelor of Arts, Magna Cum Laude, from John Carroll University in 1997.

# **EXHIBIT 2**

**EXHIBIT 2**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
 VANEK, VICKERS & MASINI PC  
 Reported Hours and Lodestar  
 May 9, 2008 through July 30, 2014

NAME	HOURS	HOURLY RATE	TIME PERIOD	LODESTAR
ATTORNEYS				
Joseph Vanek (P)	2.5	\$525.00	5/1/2008 through 12/31/2009	\$1,312.50
	2.7	\$545.00	1/1/2010 through 4/30/2012	\$1,471.50
	27.9	\$700.00	5/1/2012 through 7/30/2014	\$19,530.00
<b>Timekeeper Total</b>	<b>33.1</b>			<b>\$22,314.00</b>
David Germaine (P)	21.2	\$475.00	5/1/2008 through 12/31/2009	\$10,070.00
	58.2	\$495.00	1/1/2010 through 4/30/2012	\$28,809.00
	54.0	\$645.00	5/1/2012 through 7/30/2014	\$34,830.00
<b>Timekeeper Total</b>	<b>133.4</b>			<b>\$73,709.00</b>
Alberto Rodriguez (A)	2.5	\$275.00	5/1/2008 through 12/31/2009	\$687.50
	18.8	\$295.00	1/1/2010 through 4/30/2012	\$5,546.00
	7.9	\$475.00	5/1/2012 through 7/30/2014	\$3,752.50
<b>Timekeeper Total</b>	<b>29.2</b>			<b>\$9,986.00</b>



NAME	HOURS	HOURLY RATE	TIME PERIOD	LODESTAR
John Bjork (A)	5.4	\$295.00	5/1/2008 through 4/30/2012	\$1,593.00
	2.6	\$425.00	5/1/2012 through 7/30/2014	\$1,105.00
<b>Timekeeper Total</b>	<b>8.0</b>			<b>\$2,698.00</b>
Michelle Ethier (A)	1.7	\$375.00	5/1/2012 through 7/30/2014	\$637.50
Alexa Johnson (A)	4.4	\$425.00	5/1/2012 through 7/30/2014	\$1,870.00
Jonathan Friedman (SA)	27.4	\$275.00	5/1/2009 through 4/30/2012	\$7,535.00
Lindsey Jansen (SA)	.5	\$275.00	5/1/2009 through 4/30/2012	\$137.50
NON-ATTORNEYS				
Lisa Harkins (PL)	7.8	\$120.00	5/1/2008 through 4/30/2009	\$936.00
Diane Fan (PL)	.5	\$140.00	5/1/2009 through 4/30/2012	\$70.00
Simon Feng (PL)	5.0	\$120.00	5/1/2008 through 7/31/2009	\$600.00
Chelsey Parrott-Sheffer (PL)	4.9	\$140.00	5/1/2009 through 4/30/2012	\$686.00
	4.5	\$185.00	5/1/2012 through 3/31/2014	\$832.50
	2.4	\$200.00	4/1/2014 through 7/30/2014	\$480.00
<b>Timekeeper Total</b>	<b>11.8</b>			<b>\$1,998.50</b>
<b>TOTAL:</b>	<b>262.8</b>			<b>\$122,491.50</b>

(P) Partner  
(A) Associate  
(SA) Summer Associate  
(PL) Paralegal  
(LC) Law Clerk

# **EXHIBIT 3**

**EXHIBIT 3**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
 VANEK, VICKERS & MASINI PC  
 Reported Expenses Incurred on Behalf of DPPs

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (filing, etc.)	\$420.00
Experts/Consultants	\$0.00
Federal Express	\$0.00
Transcripts (Hearing, Deposition, etc.)	\$1,292.07
Computer Research	\$340.07
Messenger Delivery	\$72.73
Photocopies – In House	\$182.60
Photocopies – Outside	\$482.56
Postage	\$0.00
Service of Process	\$0.00
Telephone/Telecopier	\$0.00
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$3,804.95
<b>TOTAL:</b>	\$6,594.98